

MINUTES

INDIANA OPTOMETRY BOARD

JULY 29, 2010

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Morrow called the meeting to order at 10:00 a.m. in the Conference Center – Room 1, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-24-1-2.

Board Members Present:

Douglas C. Morrow, O.D., President
Natalie Olinger-Stine, O.D., Secretary
James Hunter, O.D., Member
Carl Golightly, O.D., Member
Stephan Van Cleave, O.D., Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Heather Young, Case Manager, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Attorney General's Office

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

VAN CLEVE/OLINGER-STINE
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE MAY 5, 2010 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the May 5, 2010 meeting of the Board.

VAN CLEVE/GOLIGHTLY
Motion carried 5-0-0

IV. APPEARANCES

A. CONTINUING EDUCATION

There were no continuing education appearances before the Board.

B. APPLICATION

1. Justin W. Kuscera, O.D.

Dr. Kuscera appeared before the Board, as requested, regarding his application for licensure by examination. Dr. Kuscera is a 2010 graduate from Indiana University and has taken and passed all parts of the National Boards. Dr. Kuscera answered "yes" to question number 5B that asks "Have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in 2005 he was arrested for and charged with disorderly conduct and public intoxication. Dr. Kuscera completed a diversion program.

Board action: A motion was made and seconded to approve Dr. Kuscera's application for optometry licensure.

HUNTER/VANCLEVE

Motion carried 5-0-0

2. Craig Michael Lichlyter, O.D.

Dr. Lichlyter appeared before the Board, as requested, regarding his application for licensure by examination. Dr. Lichlyter is a 2010 graduate of Indiana University and has taken and passed all parts of the National Boards. Dr. Lichlyter answered "yes" to question number 5B that asks "Have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that on January 20, 2001 he was charged with criminal mischief in Dubois County, on August 4, 2002 he was ticketed for minor consumption of alcohol in Ireland, Indiana; on March 15, 2004 he was ticketed for minor consumption in Panama City Beach, Florida; and July 10, 2005 he was arrested and charged with minor consumption of alcohol in Jasper, Indiana. He has completed all court ordered probation and community service. Dr. Lichlyter assured the Board that he now understands the importance of professionalism.

Board action: A motion was made and seconded to grant Dr. Lichlyter an optometry license.

GOLIGHTLY/HUNTER

Motion carried 5-0-0

C. RENEWAL

There were no renewals before the Board.

V. ADMINISTRATIVE HEARINGS

A. State of Indiana vs. James Phillip Montgomery, O.D.

License No. 18001562A

Administrative Cause No. 2010 IOB 0001

Re: Complaint and Emergency Suspension

Parties and Counsel Present:

Respondent was not present nor represented by counsel

Elizabeth Keifner-Crawford, Deputy Attorney General for the State of Indiana

Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Morrow, O.D., President (Hearing Officer)

Dr. Olinger-Stine, O.D.

Dr. Van Cleave, O.D.

Dr. Golightly, O.D.

Dr. Hunter, O.D.

Case Summary: Dr. Montgomery's license has been on emergency suspension since February 10, 2010 and was extended on May 24, 2010. At this time the State presented an Extension of Summary Suspension Agreement to the Board. The Agreement would extend the emergency suspension of Dr. Montgomery's license until the next scheduled meeting date.

Board action: A motion was made and seconded to accept the Extension of Summary Suspension Agreement and suspend Dr. Montgomery's license until the next meeting of the Board.

OLINGER-STINE/ GOLIGHTLY

Motion carried 5-0-0

VI. DISCUSSION

A. Julie Lynn Guillaum, O.D.

Re: Request for Continuing Education Exemption

Dr. Guillaum submitted a request for an exemption of the continuing education requirements for the April 1, 2010 renewal due to health issues and

financial constraints. Ms. Brown advised the Board that under IC 25-1-4-4 it states they can issue a hardship waiver for certain reasons. Ms. Vaught telephoned Dr. Guillaum on July 8, 2010 requesting further information regarding her request. Dr. Guillaum responded by FAX that she would like a written response from the Board concerning this request. The Board states they need more information from Dr. Guillaum to approve this request. The Board requested that she appear at the next meeting to further discuss her request.

B. Proposed Rule Change

The Board discussed a provision for requiring basic life support (CPR) as a requirement for licensure and to grant continuing education credit hours at the time of renewal. The Board proposed a maximum of two (2) hours of continuing education credit for basic life support CPR.

Board action: A motion was made and seconded to require basic life support (CPR) for initial licensure by examination and/or endorsement and to grant up to two (2) hours of continuing education per renewal period.

VAN CLEVE/OLINGER-STINE
Motion carried 5-0-0

C. Steven Levin, O.D., F.C.O.V.D.

Re: Approval of Neuro Rehabilitation Codes

Dr. Levin stated that the current use of neuro-rehabilitation codes more closely describe the therapeutic procedures performed in many optometric offices. Optometrists use the 92065 code to bill for vision therapy; however, this code is meant for orthoptics/pleoptics and should only be used specifically for aligning the eye. This code does not represent the techniques being used in most modern optometric offices that perform therapeutic procedures. Dr. Levin submitted documentation that Medicaid, Medicare and insurance companies approve the use of the 97000 neuro-rehabilitation codes by optometrist. Dr. Levin requested that the Board to approve and list the neuro-rehabilitation codes; 97110, 97112, 97116, 97530, 97532, 97535 as acceptable codes for use by optometrists in the state of Indiana. The Board stated that this is not within their purview to approve or disapprove codes, as they do not maintain a list of codes with the practice of optometry. Ms. Brown advised it is not the Indiana Optometry Board's responsibility to determine what codes optometrists can bill under. The Board requested that Dr. Levin be notified that the Board is not able to approve billing codes.

D. ARBO Meeting

Dr. Hunter attended the recent 2010 Association of Regulatory Boards of Optometry (ARBO) meeting in Florida. He reported that ARBO is working on the establishment of a Continuing Competency program. This program is being developed in response to requests by national consumer advocacy groups and other third parties. It will likely advise more structure and requirements for continuing education and assessment than current individual practitioner self-selected continuing education, as is the rule in most states today. Members of the ARBO Continuing Competency Committee have recommended that when optometry boards are proposing statutory changes or rules, such boards consider language that could allow individual optometry boards to require future ARBO established continuing professional competency standards if they should so elect.

ARBO strongly believes that continuing education/competency issues and licensure/re-licensure are individual state and state board issues, not national or professional association duties. The American Optometric Association (AOA) and their proposed American Board of Optometry (ABO) do not necessarily hold this position.

VII. CONTINUING EDUCATION

There were no continuing education applications before the Board.

VIII. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications for the Board to review.

B. Examination Applications

There were no examination applications for the Board to review.

C. Faculty Limited License

There were no faculty limited license applications for the Board to review.

D. Professional Corporation Applications

There were no professional corporation applications for the Board to review.

IX. PROBATIONARY REPORT

There were no probationary reports to review.

X. REPORTS

A. Consumer Complaints

Dr. Van Cleve reported there have been a couple of complaints that the Attorney General's office has advised them to close and he agreed.

B. Indiana Optometric Association

Dr. Golightly reported to the Board the Indiana Optometric Association will be hosting their fall seminar in October.

C. Continuing Education

Dr. Hunter has reviewed four (4) hours submitted for optometry credit and approved all four (4) of those hours. He reviewed ten (10) hours submitted for legend drug credit and approved all ten (10) of those hours.

XI. OLD/NEW BUSINESS

A. Rule Hearing

Ms. Vaught explained what is required in order to move the proposed rule forward. The rule must will be reviewed and approved by the IPLA Executive Director. Once that takes place, the budget is written and must be reviewed by IPLA's legal counsel. Then the notice of intent is filed and published in the Indiana Register with approximately two (2) weeks. After 28 days of the notice of intent being published the proposed rule and hearing notice can be published. The hearing date must be 21 days from the date of the notice of hearing.

B. New Graduates


Dr. Van Cleve asked if the new graduates had been licensed. Ms. Vaught told the Board, to date, 31 new licenses have been issued to the current graduating class.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Board adjourned at 12:00 p.m.

Board action: A motion was made and seconded to adjourn the Indiana Optometry Board meeting at 12:00 p.m.

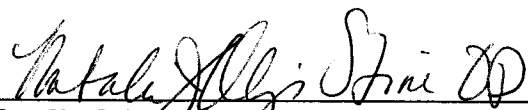
OLINGER-STINE/GOLIGHTLY
Motion carried 5-0-0



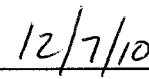
Douglas C. Morrow, O.D., President



Date



Natalie Olinger-Stine, O.D., Secretary



Date